
Appendix J:

Facility Management

Operating and managing a system of greenways in Lexington-Fayette County will require a coordinated effort among all Urban County Government (LFUCG) departments, private sector organizations and individuals. The following text defines key aspects of greenway system management, such as access, maintenance, safety and security, trail user rules and regulations, emergency response and risk management. More specific problems and issues may arise during the long-term development of the system that result in additional policies being considered and adopted.

As defined in previous sections of this Plan, the protection of stream corridors from urban encroachment is essential in order to permit stream channels and their floodplains to perform natural functions. Stream corridors are best protected by first delineating the landscape boundaries of the regulatory floodplain and then by encouraging landowners and government to engage in land stewardship practices. A strategy should be established for stream mitigation, where needed, and protection of undeveloped stream corridors.

J.1. ACCESS AND SCREENING

Right of Public Access and Use of Trail Lands

The general public should have free access to and use of greenways that support public use (land that Lexington-Fayette County owns or has secured the right of public access and use). All access and use is governed by existing Urban County policies and should also be governed by a new Greenway Ordinance. Trails should be limited to non-motorized uses, including hiking, bicycling, running, jogging, wheelchair use, skateboarding, rollerblading, equestrian use, mountain biking and other uses that are determined to be compatible with the Urban County's greenway trails.

Cross-Access Agreements

The LFUCG can use cross-access agreements that will permit private landowners that have property on

both sides of a greenway corridor to access and use the greenway corridor to facilitate their operation and land use activities.

Cross-access agreements are based on case law of the United States and specific experiences from other greenway trail systems throughout the United States. Adjacent landowners generally have the right to use the access at any time. However, access cannot block the right-of-way for trail users, other than for temporary measures, such as permitting livestock to cross, or transporting equipment. Adjacent landowners are responsible for acts or omissions that would cause injury to a third party using the trail. If a landowner must move products, materials, livestock or equipment across the trail on a regular basis, appropriate signage should be installed to warn users of the trail to yield for such activities.

Crossing of abandoned or active rail lines, utility corridors, roads or highways will require the execution of agreements with companies, local, state or federal agencies and organizations that own the rights-of-way. These crossings must provide clearly controlled, recognized, and defined intersections in which the user will be warned of the location. In accordance with the American Association of State Highway Transportation Officials (AASHTO) and the Manual on Uniform Traffic Control Devices (MUTCD), the crossing will be signed with appropriate regulatory, warning and information signs.

Screening

The LFUCG should work with each landowner on an individual basis to determine if screening is required, appropriate and feasible. The Urban County may agree to fund the installation of screening. Maintenance or replacement of the screening will typically be the responsibility of LFUCG if within the greenway, or the responsibility of the adjacent property owner if on adjacent property.

J.2.MAINTENANCE

Adopt-A-Greenway Program

An Adopt-A-Greenway Program should be established by the LFUCG to encourage community groups, families, businesses, school groups, civic clubs and other organizations to join in managing the greenway system. The LFUCG should implement this program for every greenway corridor in the system, and work closely with local organizations to ensure that these groups manage and maintain trails in a manner that is consistent with the LFUCG objectives. The LFUCG should develop written agreements for each Adopt-A-Greenway entity and keep a current record of this agreement on file. Adopt-A-Greenway entities will be assigned a specific section of the greenway system, defined by location or milepost. The activities of each organization should be monitored by the LFUCG (or LFUCG designee). Agreements for management can be amended or terminated at any time by either party, giving 30 days written notice.

Management Agreements

Management Agreements will be established between the LFUCG and specific public or private organizations wishing to assist with the management of designated segments of the greenway system. The objective of these agreements is to define areas of maintenance and management that are compatible with existing land management activities, especially where greenways intersect with public or private properties and/or rights-of-way. Management agreements spell out specific duties, responsibilities and activities of the LFUCG, and public or private organization that wishes to assist with management activities. They can be amended or terminated at any time by either party, giving 30 days written notice.

Facility Maintenance

All greenway facilities should be managed by the LFUCG (or LFUCG designee). Greenway maintenance should include the removal of debris; trash; litter; obnoxious and unsafe man-made structures; and other foreign matter, so as to be safe for public use. Trailheads, points of public access, rest areas and other activity areas should be maintained in a clean and usable condition at all times. .

Property owned or used by the LFUCG for the greenway system shall be maintained in a condition that promotes safety and security for greenway users

and adjacent property owners. To the extent possible, the property shall also be maintained in a manner that enables the corridor to fulfill multiple functions (i.e. passive recreation, alternative transportation, stormwater management and habitat for wildlife). Property that is owned or managed by other entities should be managed and maintained in accordance with the policies as set forth by Lexington-Fayette Urban County Government.

All trail surfaces should be maintained in a safe and usable manner at all times. Rough edges, severe bumps or depressions, cracked or uneven pavement, gullies, rills and washed out treads should be repaired immediately. Volunteer vegetation occurring in the tread of the trail should be removed in such a manner so that the trail surface is maintained as a continuous, even and clean surface.

Vegetation within each greenway corridor shall be managed to promote safety, serve as wildlife habitat, buffer public trail use from adjacent private property (where applicable), protect water quality, and preserve the unique aesthetic values of the natural landscape. Removal of native vegetation, significant trees or riparian cover shall be highly discouraged. Removal of exotic species should be accomplished in a systematic and thorough manner. LFUCG may choose to remove exotic species and other unwanted vegetation using various means, depending on the specific location and circumstances.

Vegetation adjacent to trails shall be managed as necessary to maintain clear and open lines of sight along the edge of the trail, and eliminate potential hazards that could occur due to natural growth, severe weather or other unacceptable conditions. To promote safe use of any greenway trail, all vegetation should be clear cut to a minimum distance of three (3) feet from each edge of a trail. Selective clearing of vegetation should be conducted within a zone that is defined as being between three (3) to ten (10) feet from each edge of a trail. At any point along a trail, a user should have a clear, unobstructed view along the centerline of a trail, 300 feet ahead and 300 feet behind his/her position. The only exception to this policy should be where terrain or curves in a trail serve as the limiting factor. The LFUCG or their designated agent should be responsible for the cutting and removal of vegetation. Removal of vegetation by an individual or entity other than the LFUCG or its designee shall be deemed unlawful and subject to fines and/or prosecution.

It may be necessary for the LFUCG to conduct wildlife management programs on lands that are publicly owned. This shall be accomplished in a manner that is in keeping with accepted laws, professional practices and/or recommended strategies that are provided to the LFUCG by wildlife management experts.

J.3. SAFETY AND SECURITY

Safety is a duty and obligation of all public facilities. In order to provide a standard of care that offers reasonable and ordinary safety measures, the LFUCG should cooperatively develop and implement a Safety and Security Program for the greenway system. This Program would consist of well-defined safety and security policies that identify trail management, law enforcement, emergency and fire protection agencies, proper postings and means for the notification and education of the trail user policies. The Program would also outline a system that offers a timely response to the public for issue or problems that are related to safety and security. The safety and security of the greenway system will need to be coordinated with local law enforcement officials, local neighborhood watch associations, and Adopt-A-Greenway organizations.

Important components of the Safety and Security Program include the following. The LFUCG should:

1. Work with law enforcement agencies to establish a Greenway Safety and Security Committee that can meet periodically to discuss management of the greenway system.
2. Prepare a Greenway Safety Manual and distribute this to management agencies and post it at all major trailheads.
3. Post User Rules and Regulations at all public access points to greenway trails.
4. Work with the management agencies to develop Trail Emergency Procedures.
5. Prepare a Safety Checklist for the greenway system, and utilize it monthly during field inspection of greenway facilities.
6. Prepare a Greenway User Response Form for complaints and complements and provide copies at all trailheads.
7. Work with management agencies to develop a system for accident reporting analysis.
8. Conduct a regular Maintenance and Inspection Program, and share the results of these investigations with all management agencies.

9. Coordinate other Public Information Programs that provide information about greenway events and activities in which County residents may participate.
10. Have an ongoing evaluation of greenway program objectives.

J.4. USER RULES AND REGULATIONS

Trails within greenway corridors shall be operated like all other parks within the LFUCG, open for public use from sunrise to sunset, 365 days a year, except as specifically designated. Individuals who are found to be using unlighted facilities after dusk and before dawn should be deemed in violation of these hours of operation and treated as trespassers. Where trails are lighted for nighttime use, the rules established within future Greenway regulations should govern permitted uses and activities.

The LFUCG shall enforce trespassing laws as defined under Kentucky Revised Statutes for publicly owned lands and facilities.

The LFUCG should always discourage the general public from using any segment of a greenway trail that is under construction. Trail segments should not be considered officially opened for public use until such time as a formal dedication ceremony and official opening has been completed. Individuals who use greenway segments that are under construction, without written permission from the LFUCG should be deemed in violation of this access and use policy and treated as a trespasser.

Off-Road Trail Rules

Multi-use conflict is a national problem for community and regional greenway systems. Typically, conflicts are caused by overuse of a greenway trail, however, other factors may be problematic including poorly designed and engineered trail alignments, inappropriate user behavior, or inadequate facility capacity. The most effective conflict resolution plan is a well-conceived safety program that provides the individual user with a Code of Conduct. Several communities across the United States have adopted progressive trail ordinances to govern public use and keep trails safe for all users. The following Rules and Regulations are recommended for the LFUCG Greenway Trails System. These rules should be displayed both on brochures and information signs throughout the greenway system:

1. **Be Courteous:** All Trail users, including bicyclists, joggers, walkers, wheelchairs, skateboarders and skaters, should be respectful of other users, regardless of their mode of travel, speed, or level of skill. Never spook animals; this can be dangerous for you and other users. Respect the privacy of adjacent landowners! No trespassing is allowed from trails. Remain on trails at all times.
2. **Keep Right:** Always stay to the right as you use the Trail, or stay in the lane that has been designated for your user group. The exception to this rule occurs when you need to pass another user.
3. **Pass on the Left:** Pass others going in your direction on their left. Look ahead and behind to make sure that your lane is clear before you pull out and around the other user. Pass with ample separation. Do not move back to the right until you have safely gained distance and speed on the other user. Faster traffic should always yield to slower on-coming traffic.
4. **Give Audible Signal When Passing:** All users should give a clear warning signal before passing. This signal may be produced by voice, bell or soft horn. Voice signals might include "Passing on your left!" or "Cyclist on your left!" Always be courteous when providing the audible signal—profanity is unwarranted and unappreciated.
5. **Be Predictable:** Travel in a consistent and predictable manner. Always look behind before changing position on the Trail, regardless of your mode of travel.
6. **Control Your Bicycle:** Lack of attention, even for a second, can cause disaster—always stay alert! Maintain a safe and legal speed at all times.
7. **Do Not Block the Trail:** When in a group (including your pets), use no more than half of the trail, so as not to block the flow of other users. If your group is approached by trail users from both directions, form a single line or stop and move to the far right edge of the Trail to allow safe passage by these users.
8. **Yield when Entering or Crossing Trails:** When entering or crossing the Trail at an uncontrolled intersection, yield to traffic already using the other trail.
9. **Do not Use this Trail Under the Influence of Alcohol or Drugs:** It is illegal to use this Trail if you have consumed alcohol in excess of the statutory limits, or if you have consumed illegal drugs. Persons who use a prescribed medication

- should check with their doctor or pharmacist to ensure that it will not impair their ability to safely operate a bicycle or other wheeled vehicle.
10. **Clean-up your Litter:** Please keep this Trail clean and neat for other users to enjoy. Do not leave glass, paper, cans or any other debris on or near the Trail. Please clean up after your pets. Pack out what you bring in—and remember to always recycle your trash.
 11. **Keep Pets on Leashes:** All pets must be kept on secure and tethered leashes. Keep pets off of adjacent private property. Failure to do so will result in a fine.
 12. **Prohibition on Camp Fires:** Fires, for any purpose, are prohibited within the Trails System. Any person caught lighting a fire for any purpose will be prosecuted to the fullest extent of the law.

On-Road Facility Rules

The LFUCG recommends the following safety tips for both pedestrians and cyclists who use the on-road components of the county-wide greenway system. It is important to remember that a bicycle is a legal vehicle in the State of Kentucky and is therefore subject to all the rights and responsibilities of other vehicles. A cyclist, by law, must obey all traffic laws, signs and signals.

1. Ride on the right side of the road with traffic.
2. Always wear a helmet when riding a bicycle.
3. Use hand signals to communicate your intended actions to motorists. Establish eye contact with motorists at intersections whenever possible.
4. Ride no more than two abreast on the road and stay in the same lane as other vehicle traffic. Large groups should spread out to allow motorists to pass.
5. Ride defensively. Always be alert and plan your bike route carefully.

Because the horse industry and general agriculture are very important to Central Kentucky, there are some additional rules and bike etiquette that are necessary while riding our rural roads. While it is the goal for cyclists to enjoy the wonderful views and beautiful countryside, the rules are for the protection of both the farming community and cyclists. Some basic manners need to be acknowledged and followed because the consequences could be detrimental to both the agricultural industry and cyclists.

Here are rules for cyclists to follow along rural roads:

1. Some things that seem quite harmless can actually jeopardize livestock. Contact with horses, cattle, etc., can easily spread serious diseases that have the potential to kill the animals and cause huge financial losses for the affected farms. Therefore, the following rules should be observed:
2. Please do not litter; the horses or livestock could eat the trash and become sick. Respect the environment and keep our landscape beautiful.
3. Do not trespass onto private property. Kentucky law now states that the property owner will not be held responsible for any individual that trespasses onto private property and is injured. Respect private property owners' rights and stay off their property.
4. Do not climb or lean over fences to get a better view. Getting off the road to take a picture would be better than doing it from the road.
5. Do not try to touch or pet the horses or livestock. The animals can bite and are dangerous.
6. Do not lean your bike against farm fences.
7. Do not spook the horses or livestock by making sudden movement or noise.
8. Do not feed the horses or other animals.
9. Get completely off the road if you have to make an emergency stop.
10. Ride in single file. Some of the rural roads are very narrow; farm traffic sometimes carries wide loads and could be hazardous if riding is done two abreast. Be aware that the months from February to May are breeding and foaling season, and there is a large amount of horse van traffic on the rural roads.
11. Avoid smoking. If you do smoke, be careful to extinguish cigarettes carefully; it is easy to inadvertently start a wildfire, especially in dry weather.
12. Wear bright clothing.

J.5. EMERGENCY RESPONSE

In order to effectively patrol the greenway system and respond to the potential for fire, flash floods and other natural or human-caused disasters, the LFUCG should adopt a Greenway Emergency Response Plan. This plan defines a cooperative law enforcement strategy for greenways based on services required and those that are typically provided by police, sheriff, fire and EMS agencies.

Specifically, all trails should be provided with an address system that denotes specific locations along the length of a trail corridor. A site plan that illustrates points of access to each trail corridor should be produced and kept on file at the LFUCG and provided to each agency. Trails in flash flood areas shall be appropriately signed to warn users. Each trail should be designed to permit access for law enforcement, fire and EMS agencies and vehicles that are not in excess of 6.5 tons gross vehicle weight. Typically, inter-governmental agreements are executed for this. A system of cellular-type emergency phones should be located in remote sections of the system, providing users with access to the area 911 Emergency System. All emergency phones should be placed above the flood elevation to ensure long-term usage.

The emergency response plan should also define the agencies that should respond to 911 calls, and provide easy to understand routing plans and access points for emergency vehicles. For long distance trails, access points for emergency and maintenance vehicles should be located at reasonable distances from trail heads (approximately every 2-3 miles). Local hospitals should be notified of these routes so that they may also be familiar with the size and scope of the project. The entire greenway system should be designed and developed to support a minimum gross vehicle weight of 6.5 tons.

Risk Management

The purpose of a Risk Management Plan is to increase safety for the users of the LFUCG Greenway System, and reduce the potential for accidents to occur within the system or on lands adjacent to the system. While it is impossible to guarantee that all risk will be eliminated by a Risk Management Plan, implementation of a Plan is in fact a critical step to reduce liability and improve safety. A Risk Management Plan establishes a methodology for greenway management that is based on current tort liability and case law in the United States related to the development, operation and management of public use greenway lands and facilities. The ultimate responsibility for managing the greenway system, as defined within this Plan, rests with the LFUCG. The Risk Management Plan has as its major goals:

1. Risk Identification: determining where risk (threat to safety or potential loss) exists within the corridor.

2. Risk Evaluation: conducting appropriate examination of areas defined as a risk, and determining the factors that contribute to risk.
3. Risk Treatment: defining and implementing an appropriate solution to the area of risk, in accordance with one of the four options:
 - a. Risk avoidance: prohibiting use of a risk area;
 - b. Risk reduction: limiting use of the area and repairing a risk area immediately;
 - c. Risk retention: obtaining waivers from all potential users of the risk area;
 - d. Risk transfer: transferring risk area (property) to an agency better suited to manage the area.

The following sixteen-steps should be implemented by the LFUCG to establish a Risk Management Plan for the LFUCG greenway system:

1. Develop a policy statement about risk management;
2. Conduct a needs assessment for the greenway program;
3. Determine goals and objectives for risk management - what are acceptable and not acceptable management levels;
4. Develop specifications for site and facility development;
5. Establish a clear and concise program for risk management;
6. Define supervision and responsibility for risk management;
7. Define appropriate rules and regulations that govern the use of the trail system;
8. Conduct routine/systematic inspections and investigations of the trail system;
9. Develop an accident reporting and analysis system;
10. Establish procedures for handling emergencies;
11. Develop appropriate releases, waivers and agreements for use and management;
12. Identify best methods for insuring against risk;
13. Develop a comprehensive in-service training program for employees of the County;
14. Implement a public relations program that can effectively describe the risk management program and activities;
15. Conduct periodic reviews of the Risk Management Plan by outside agents to ensure that the Plan is up to date;
16. Maintain good legal and insurance representation.

Liability

The design, development, management, and operation of the LFUCG greenway system must be carefully and accurately executed in order to provide a resource that protects the health and welfare of the public. Liability may occur when a facility has been under-designed to handle its intended volume of use; when management of the facility is poor; or when unexpected accidents occur because the trail manager failed to recognize the possibilities of a potentially hazardous situation. To reduce the possibility and exposure to liability, the Urban County should have in operation the following measures prior to opening the first segment of greenway:

1. A thorough Maintenance Program that provides the appropriate duty or level of care to greenway users;
2. A Risk Management Plan that appropriately covers all aspects of the greenway system, and as necessary adjacent landowners;
3. A comprehensive working knowledge of public use laws and recent case history applicable in Kentucky.

The LFUCG's existing self-insurance program may be adequate to protect the Urban County government from financial loss that might occur through the development and operation of the greenway system. Trails are no greater liability to the LFUCG than park and recreation, sidewalk or urban open space resources. The Urban County should review its current policy and check coverages to be certain that all aspects of its policies are up-to-date.

The LFUCG should exercise reasonable care in the design and construction of all greenway facilities to reduce hazardous, public nuisance and life threatening situations. Recreational Use Statutes in Kentucky serve to reduce the exposure that adjacent landowners might expect to realize from the proximity of trails to private property. In fact, it is very difficult to find any case law in the United States where an adjacent property owner has been sued because a trail user strayed onto the adjacent private property and fell victim to an accident that was caused by the adjacent landowner. Some landowners have claimed that their insurance rates will go up because of the presence of a trail abutting their property. Once again, there is no case history among insurance companies to support this claim—provided the landowner has not gone out of their

way to create an attractive nuisance and lure trail users onto their property.

It is also important that a fee not be charged to use any portion of the greenway system, because

typically this may impact the way in which the recreational use statutes in Kentucky apply to the use of the system. A voluntary donation applied to the greenway system will generally not affect the recreational use statute.